

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

SCHOENMANN PRODUCE CO., *et al.*, §  
§  
Plaintiffs, §  
§  
VS. § CIVIL ACTION NO. H-05-1403  
§  
THE BURLINGTON NORTHERN AND §  
SANTA FE RAILWAY COMPANY, §  
§  
Defendants. §

**ORDER OF DISMISSAL**

Counsel for the parties have advised the court that an amicable settlement has been reached in this action. It is ordered that this cause be dismissed on the merits, without prejudice to the right of counsel to move for reinstatement within 90 days upon presentation of adequate proof that the settlement could not be consummated. It is further ordered that all motions currently pending are denied without prejudice. Any movant seeking to resubmit or reurge those motions must do so within 10 days from the date any motion for reinstatement is filed.

The court appreciates the prompt notification of settlement.

SIGNED on May 31, 2007, at Houston, Texas.



Lee H. Rosenthal  
United States District Judge